

IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1858.—Agreed to, and ordered to be printed.

Mr. TRUMBULL submitted the following

REPORT.

The Committee on Patents and the Patent Office, to whom was referred the petition of Bancroft Woodcock, praying an extension of the patent for certain improvements on the plough, report :

That the petitioner, Bancroft Woodcock, was the inventor of a plough for which he obtained a patent January 26, 1832, for fourteen years. Shortly previous to the expiration of that period, he presented to the Commissioner of Patents an application for its extension for the term of seven years. The examiner who reported upon the application states, in his report, that there was but little novelty in the invention, and places no estimate upon its value. Upon this report the application for an extension was rejected by the board then authorized by law to consider such applications. The petitioner alleges that owing to the number of inventions of ploughs, and the prejudices of agriculturalists against innovations, he failed to realize, within the fourteen years, an adequate remuneration for the invention. He accompanies his present application to Congress by a statement, showing that his receipts from patent fees amounted to \$2,400; that his expenses were \$2,477, of which two thousand dollars is charged as expenses incurred in making experiments and in the preparation of patterns, prior to his securing a patent and during the first three years of its existence. Further improvements were patented June 14, 1837, founded upon the previous invention. On the 31st of January, 1845, an additional improvement was patented.

This is the seventh time that the petitioner has presented the same application to Congress; the first having been made at the first session of the 29th Congress. Favorable reports were made by the Committee on Patents of the Senate at both sessions of that Congress, accompanied by bills, but neither were acted on by the Senate. Favorable reports were also made by the committee of the 30th and 32d Congress; the committee of the 31st and 34th Congress had the petition under consideration, but took no action.

The patent for which a renewal is now asked, expired January 26, 1846. The first improvement expired June 14, 1851, but has been renewed for seven years; its extension will expire on the 14th of June, 1858. The second improvement will expire January 31, 1859.

This case presents a strong illustration of the impropriety and uselessness, in most cases, of applications to Congress for extensions of patents. For more than twelve years the petitioner has been asking Congress to extend his patent, and in the meantime has had four reports of different committees of the Senate in his favor, but no bill for his relief has ever passed this body. Since January 26, 1846, the public have been in the free and unrestricted use of the petitioner's invention, and whatever there was of value in it, must long ago have been introduced into general use.

To renew the patent at this time would be to interfere with all who have adopted the improvement and entered into its manufacture in the last twelve years, or, if their rights were protected, the renewal would be of but little value to the petitioner, since it is inconceivable that an improvement of value to an article of such common use as a plough, should not be generally adopted after it had been free to the public for a dozen years; if the improvement has not gone into general use, it surely is not of such importance as to justify a renewal of the patent for its protection.

The committee, however, do not agree with former committees who have reported favorably upon this case, even if the patent were now just expiring. The petitioner applied to the Commissioner of the Patent Office for an extension of his patent in 1845, and his application was rejected, the examiner reporting that there was but little novelty in the invention.

The act of July 4, 1836, authorizing the extension of patents on application to the Commissioner of Patents is general in its provisions and liberal to the patentee, embracing nearly every case in which a patent should be renewed, and was intended to relieve Congress of applications for extensions of patents by special acts.

Unless, therefore, a patentee can show that his failure to obtain an extension of his patent from the Commissioner has resulted in some way from an inability, without fault on his part, to have his case fairly presented, or from a decision clearly erroneous upon the facts shown, and pointing out wherein the error consists, Congress ought not, in the opinion of the committee, to extend a patent in any case which the Commissioner of Patents has refused. Acting upon this rule, the committee do not think the petitioner presents a case entitling him to the relief sought, and recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner be rejected.